THE VIRGINIA GAZETTE, AND GENERAL ADVERTISER:

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No. 1175.] SATURDAY, JANUARY 14, 1804. [VOLUME XVIII.

DIOMED.

This extraordinary horse, in his high health and vigour as he has ever been,

WILL ſtand the preſent ſeaſon at my ſtable, on James River, three miles below Richmond, at SIXTY DOLLARS the ſeaſon, diſchargeable by FIFTY if paid before the 10th of Auguſt, when the ſeaſon will expire. Excellent paſturage, ſecurely enclоſed, *gratis*. Seperate enclоſures will be provided for the Mares, according to their ſituation, and grain furniſhed at the market price. Every attention ſhall be paid to the Mares; but no liability for eſcapes or accidents of any kind.

DIOMED has unqueſtionably been one of the beſt racers on the Engliſh turf. At three years old he was winner ſeven times, without being beaten, although he contended with the beſt horſes then running.—Among his races of that year he won a ſweepſtakes of 500 guineas each—He won the great Darby ſtakes at Epſom, which are the moſt important in the kingdom—giving to the winner more credit than any that are run in England. His winnings that year amounted to 5125 guineas.

At four years old he received forfeit from the brother of Mopſqueezer for 500 guineas. He won the Forteſque ſtakes, eleven ſubſcribers of 30 guineas each. Over the Beacon courſe he won the Claret ſtakes, of 200 guineas each; beating ſeven capital horſes, and receiving forfeit from ſeven others. His winnings this year amounted to 2580 guineas. At five years old he fell lame and did not ſtart. At ſix years old, carrying 168 pounds, at three heats, he won the King's plate at Guilford. He ran alſo for the King's plate at Lewes, which he would have won had he not fallen lame. This year he alſo ran for two other King's plates; and although injured, was the ſecond horſe for each—They were won by Anvil and Drone, at that time the two beſt horſes on the Engliſh turf. He never ſtarted after he was ſix, but kept as a Stallion, and ranked among the beſt in England, as by reference to the Racing Calendar—the following Certificate will be proven.

I hereby certify, the Cheſnut horſe DIOMED, purchaſed of me, by Meſſrs. Lamb & Younger, won the Darby ſtakes at Epſom—the Claret ſtakes at New Market, and many other prizes as may be ſeen in the Racing Callendars. He is the ſire of Grey Diomed, Quitlavaca, Lais, (the dam of Lord Clermont's Spoliator) Grey Hound, Monkey, Anthony, Glaucus, Wrangler, Cedar, Poplar, and many other good racers.

GREY DIOMED, at three years old, was ſold by me to Mr. Fox, for 700 guineas. Mr. Fox afterwards ſold him with his engagements, to the Duke of Bedford, for 2700 guineas. Several others of his get have been ſold at large prices.

THO'S CHARLES BUNBURY.

In addition to the above ſtatement, let his Colts in Virginia, now three years old, prove his excellence and unrivalled ſuperiority over all the Stallions in America.

Madeira—won the Wine ſtakes at Fairfield in May laſt, two mile heats, beating Bucephalus (now called Schedoni) and Mr. Hoome's B. C. Daredevil.

Peacemaker—the ſweepſtakes of 140 guineas, at Mr. Varell's, and ſince purchaſed by Mr. Hoomes.

Diomeda—the property of Mr. Cocke, the ſweepſtakes at Fairfield, in May, beating Mr Randolph's *Wiltonia*, by Stirling, and Mr. Tayloe's Bay Colt, by Gabriel; the reſt paid forfeit.

Lavinia—the firſt day's ſweepſtakes at Peterſburg, in May laſt.

Mr. Bland's Cheſnut Colt, the ſecond day's ſweepſtakes, of 100 dollars each.

Topgallant—the poſt ſweepſtake at Broad Rock in September, which entitled a Colt to the greateſt credit.

Lavinia—the ſweepſtakes at Frederickſburg, in October, the largeſt amount ever run for in America, twenty ſubſcribers, 200 dollars each—nine ſtarted, the reſt paid forfeit.

Top Gallant—the ſweepſtakes in Peterſburg in Oct

Mr. Drummond's Filly, the ſweepſtakes, at Scotland Neck, North Carolina—thirty ſubſcribers.

Virgil-Ua—the property of Col. Hampton, only 3 years old, the Gold Cup at Waſhington, four miles, beating Col. Hoome's Volunteer, by Bedford; Mr. Tayloe's Skyſcraper, by Alderman; and Gen. Ridgley's Financier; and was immediately purchaſed by Mr. Lloyd, of Maryland, for 2750 dollars.

Excluſive of the above, many others of his Colts have been winners during the preſent year.

PEDIGREE.

DIOMED, was got by Florizel, (one of the beſt ſons of King Herod) his dam by Spectator, ſiſter to Juno, [the dam of Dragon, and Young Eclipſe] his grand dam (ſiſter to Horatius, by Blank) his great grand dam, Fetaher's dam, and full ſiſter to the grand dam of Cygnet and Bloſſom, by Childers, out of Miſs Belvoir, by Grey Grantham, Paget, Turk, Betſey Percival, Leeds, Arabian, &c.

MILES SELDEN, SEN.

TREE HILL, Dec. 26th, 1803.

NOTICE.

BY virtue of a Deed of Truſt, executed by John Price, and Jane his wife, the ſubſcribers will offer for ſale, at Auction, on the premiſes, for READY MONEY, on Saturday the 18th of February next,

A TRACT OF LAND,

in Goochland county, containing 326 acres, more or leſs, lying on Tuckahoe Creek, adjoining the Land of Col. Robert H. Saunders, it being the whole of that part of Land which was deviſed by John Jude to his daughter Jane, wife of the ſaid John Price. This ſale is made to ſatisfy a debt of 450l. with intereſt from the 28th day of January 1801, due from the ſaid John Price to Robert H. Saunders.

CHARLES COPLAND, DAVID BULLOCK, } Trustees.

January 2, 1804.

WILL BE SOLD,

To the higheſt bidder, at Hanover Courthouſe, on the 22d day of February next, (it being court day)

THE Plantation formerly the property of William Norvell, deceaſed, in the county of Hanover, containing 338 acres, with the half of a valuable Griſt Mill adjoining the ſame, on Chickahomony Swamp, within twelve miles of Richmond. This land is pleaſantly ſituated and remarkably healthy; and has on it a good dwelling-houſe, kitchen, dairy, and three good barns, one of which is commodious and lately built—alſo a valuable Orchard affording a ſufficiency of fruit every other year to make from 250 to 300 gallons of brandy. The Mill is ſituated in a good neighbourhood, and receives annually from 130 to 150 barrels of toll corn.

The terms of ſale will be one third in hand, the balance in ſix and twelve months. A deed of truſt on the property will be required to ſecure the two laſt payments.

Thomas Norvell.

January 5th, 1804.

NOTICE.

ALL perſons indebted to the ſubſcriber, by dealing or otherwiſe, at his Store in Buckingham, under the direction of Mr. John Jenkins, are informed that their bonds, notes and accounts are placed for collection in the hands of Edward W. Trent, attorney at Law, who is authoriſed to receive the ſame and grant acquittances.

Wm. BROWN.

Manchester, 2d Jan. 1804.

The undersigned will attend the February Buckingham court, for the purpoſe of receiving the above debts—*thoſe*, who fail to comply with this notice, can expect no indulgence.

EDWARD W. TRENT.

☞ E. W. T. has commenced the PRACTICE of LAW in the Courts of *Henrico*, *Chesterfield*, *Powhatan*, and *Cumberland*.

Richmond, 2d Jan. 1804.

Mr. CORNILLON,

HAS the honor of informing the citizens of Richmond, Manchester and its vicinity, that having engaged a houſe on Shockoe Hill, which he is to occupy in a few days, he propoſes to open there

Two Schools,

For the FRENCH LANGUAGE.

One every Monday, Wedneſday and Friday, from 12 to 2 o'clock for the Young Ladies, and another the ſame days from 6 to 8 o'clock in the evening for grown young gentlemen already in buſineſs. Both will begin the 16th of this month, and the terms will be thoſe cuſtomary in town for that tuition. As to the Academy for French and Muſic for Young Ladies, which Mr and Mrs Cornillon propoſe to raiſe, they are very happy to announce that a gentleman known in this place for his ability in drawing, will attend it regularly as ſoon as it ſhall be opened. And to ſuch families who have not heard of Mr and Mrs Cornillon's character, capacity in their purſuits, and morals, they may have the moſt ſatisfactory evidence, by perufing letters from characters of the higheſt reſpectability in the neighbourhood where they have lived ſeveral years ſince their removl to America.

January 6.

Kentucky LAND for Sale.

ONE tract containing 2000 acres, lying in the county of Fleming, on the waters of Licking.

One do. do. 1000 do. do. do.

One do. do. 3200 do. in the county of Maſon, on Ohio river & Lawrence's Creek.

One do. do. 2000 do. in the co. of Clarke on Kentucky river.

The above will be ſold very low, or exchanged for property in this ſtate.

THOMAS NORVELL.

Richmond, January 9th, 1803.

The Subscriber

Offers for ſale that valuable Property called

FAIRFIELD,

CONTAINING 800 acres of Land, in ſight of Richmond, including the Race-Ground and Buildings thereon. This Land poſſeſſes many advantages, beſides its contiguity to the city, which it is unneceſſary to mention.

It will be laid off into lots, ſo as to ſuit thoſe who wiſh to purchaſe ſmall parcels of land, either for a retreat from the city or for graſs lots. All the lots, or the greater part of them, will communicate with a public road leading to fine water, and each lot will have a proportion of wood land attached to it, or adjoining to a lot of wood. The ſale will commence on the premiſes, the 4th of June, and continue from day to day until the whole is ſold. One half of the purchaſe money will be required at the time of ſale, and the other half in twelve months—as ſoon as the lots are laid off they may be purchaſed at private ſale.

Miles Selden.

Tree Hill, January 4th, 1804.

ADVERTISEMENT.

To be ſold by the ſubſcriber, for ready money, on the premiſes, on the 4th day of February next,

100 Acres of LAND,

(Be the ſame more or leſs)

LYING and being in the county of Goochland on Jenito Creek, and is a part of the land that James Watkins died poſſeſſed of. This land will be ſold to ſatisfy the ſum of 124l. with intereſt thereon from the 22d day of October laſt, to Robert H. Saunders, aſſignee of William Powell.

CHARLES F. BATES, Trustee.

January 10th, 1804.

NOTICE.

THE PARTNERSHIP OF

Hill & Rea

IS this day diſſolved by mutual conſent, and JAS. REA is authoriſed to cloſe the buſineſs. The GOODS on hand, conſiſting of a neat aſſortment, ſuitable for a country ſtore, will be ſold on advantageous terms to a perſon who will take the whole. The TENEMENT, on which ſtands an excellent Store, Lumber-Houſe and Stable, will be either ſold or rented to the purchaſer of the Goods.

Robert Hill.
James Rea.

New-Canton, 1st Jan. 1804. tf

Congress.

Debate in the Senate,

ON THE LOUISIANA TREATY.

Thursday, November 3.

Mr. TAYLOR.—There have been, Mr. President, two objections made againſt the treaty; one that the United States cannot conſtitutionally acquire territory; the other, that the treaty ſtipulates for the admiſſion of a new ſtate into the union; a ſtipulation, which the treaty making power is unable to comply with. To theſe objections I ſhall endeavor to give anſwers not heretofore urged.

Before a confederation, each ſtate in the union poſſeſſed a right, as attached to ſovereignty, of acquiring territory, by war, purchaſe or treaty. This right muſt be either ſtill poſſeſſed, or forbidden both to each ſtate and to the general government. It is not poſſeſſed by the ſtates ſeparately; becauſe war and compacts with foreign powers and with each other, are prohibited to a ſeparate ſtate; and no other means of acquiring territory exiſt. By depriving every ſtate of the means of exerciſing the right of acquiring territory, the conſtitution has deprived each ſeparate ſtate, of the right itſelf. Neither the means or the right of acquiring territory are forbidden to the United States; on the contrary, in the 4th article of the conſtitution, Congreſs are empowered "to diſpoſe and regulate the territory belonging to the United States." This recognizes the right of the United States to hold territory. The means of acquiring territory conſiſt of war and compact; both are expreſsly ſurrendered to Congreſs and forbidden to the ſeveral ſtates; and no right in a ſeparate ſtate to hold territory without its limits, is recognized by the conſtitution, nor any mode of effecting it poſſible, conſiſtent with it. The means of acquiring and the right of holding territory, being both given to the United States, and prohibited to each ſtate, it follows that theſe attributes of ſovereignty, once held by each ſtate, are thus transferred to the United States; and if the means of acquiring and the right of holding are equivalent to the right of acquiring territory, then this right merged from the ſeparate ſtates to the United States, as indiſpenſably annexed to the treaty making power, and the power of making war; or indeed is literally given to the general government by the conſtitution.

Having proved, Sir, that the United States may conſtitutionally acquire, hold, diſpoſe of and regulate territory, the other objection to be conſidered, is, whether the third article of the treaty does ſtipulate, that Louiſiana ſhall be erected into a ſtate. It is conceded that the treaty making power, cannot by treaty erect a new ſtate, however they may ſtipulate for it. I premiſe, that in the conſtruction of this article, it is proper to recollect, that the negociators muſt be ſuppoſed to have underſtood our conſtitution; it became very particularly their duty to do ſo, becauſe in this article itſelf, they be directed "the principles of the conſtitution" as their guide; hence it is obvious, that they did not intend to infringe, but to adhere to thoſe principles; and therefore if the article will admit of a conſtruction, conſiſtent with this preſumable knowledge and intention of the negociators, the probability of its accuracy will be greater, than one formed in a ſuppoſition, that the negociators were either ignorant of that, which they ought to have known; or that they fraudulently profeſſed a purpoſe, which they really intended to defeat. The following conſtruction is reconcileable with what the negociators ought to have known, and with what they profeſſed to intend.

Recollect, Sir, that it has been proved, that the United States may acquire territory. Territory ſo acquired, becomes from the acquiſition itſelf a portion of the territories of the United States, or may be united with their territories, without being erected into a ſtate. An union of territory is one thing; of ſtates another. Both are exemplified by an actual exiſtence. The United States poſſeſs territory, comprised in the union of territory, and not in the union of ſtates. Congreſs are empowered to regulate or diſpoſe of territorial ſections of the union. The citizens of theſe territorial ſections, are citizens of the United States, and they have all the rights of citizens of the United States; but ſuch rights do not include thoſe political rights ariſing from ſtate compacts or governments, which are diſſimilar in different ſtates. Suppoſing the general government or treaty making power, have no right to add or unite ſtates and ſtate citizens to the union, yet they have a power of adding or uniting to it territory, and territorial citizens of the United States.

The territory is ceded by the firſt article of the treaty; it will no longer be denied that the United States may conſtitutionally acquire territory. The third article declares that "the inhabitants of the ceded territory ſhall be incorporated in the United States." And theſe words are ſaid to require the territory to be erected into a ſtate. This they do not expreſs, and the words are literally ſatisfied, by incorporating them into the union as a territory, and not as a ſtate. The conſtitution recognizes, and the practice warrants, an incorporation of a territory and its inhabitants into the union, without admitting either as a ſtate. And this conſtruction of the firſt member of the article, is neceſſary to ſhield its two other members, from a charge of ſurpluſage, and even of abſurdity. For if the words "the inhabitants of the ceded territory ſhall be incorporated in the union of the United States" intended that Louiſiana and its inhabitants ſhould become a ſtate in the union of ſtates, would have made them citizens of the United States. Is it not then abſurd to ſuppoſe that the firſt member of this third article, intended to admit Louiſiana into the union, as a ſtate, which would inſtantly entitle the inhabitants to the benefit of the article of the conſtitution, declaring, that "the citizens of each ſtate ſhall be entitled to all privileges and immunities of citizens in the ſeveral ſtates," and yet to have gone on to ſtipulate for citizenſhip, under the limitation "as ſoon as poſſible, according to the principles of the federal conſtitution" after it had been beſtowed without limitation? Again; the concluding member of the article is to beſtow "protection in the mean time;" incorporating this ſtipulation, and the ſtipulation for citizenſhip, with the conſtruction which accuſes the treaty of unconſtitutionality, the article altogether muſt be underſtood thus, "the inhabitants of the ceded territory ſhall be taken into the union of ſtates, which will inſtantly give them all the rights of citizenſhip; after which they ſhall be made citizens as ſoon as poſſible; and after they are taken into the union of ſtates, they ſhall be protected in the interim between becoming a ſtate in the union, and being made citizens, in their liberty, property and religion."

By ſuppoſing the firſt member of the article to require that the inhabitants and their territory ſhall be incorporated in the union, in the known and recognized political character of a territory, theſe inconſiſtencies are avoided, and the third article reconciled to the conſtitution as underſtood by the oppoſers of the bill; the ſtipulation alſo for citizenſhip "as ſoon as poſſible" according to the principles of the conſtitution, and the delay mediated by theſe words, and the ſubſequent words, "in the mean time" ſo utterly inconſiſtent with the inſtantaneous citizenſhip, which would follow an admiſſion into the union as a ſtate, are both fully explained. Being incorporated in the union as a territory, and not as a ſtate, a ſtipulation for citizenſhip became neceſſary; whereas it would have been unneceſſary, had the inhabitants been incorporated as a ſtate, and not as a territory. And as they were not to be inveſted with citizenſhip by becoming a ſtate, the delay which would occur between the incorporation of the territory into the union, and the arrival of the inhabitants to citizenſhip according to the principles of the conſtitution, under ſome uniform rule of naturalization, exhibited an interim, which demanded the concluding ſtipulation, for "protection in the mean time for liberty, property and religion." As a ſtate of the union, they would not have needed a ſtipulation for the ſafety of their "liberty, property and religion;" as a territory, this ſtipulation would govern and reſtrain the undefined power of Congreſs to make "rules and regulations for territories."

If my conſtruction is correct, all objections to the treaty and to this bill for fulfilling it, on the ground of unconſtitutionality, are unfounded. The three diſtinct members of the third article, will be each ſeparately and diſtinctly complied with; firſt, by an incorporation of the territory and its inhabitants in the union, as a territory. Second, by admitting them to all the rights of citizens of the United States, under ſome uniform rule of naturalization—and thirdly, by protecting their liberty, property and religion, by "rules and regulations" to be "in the mean time" enacted by Congreſs under a conſtitutional power extending to territories, but not to ſtates.

To prove the treaty unconſtitutional, a member from Maſſachuſetts, (Mr. Pickering) has quoted from the 6th article of the conſtitution, theſe words: "This conſtitution, and the laws of the United States which ſhall be made in purſuance thereof, and all treaties made or which ſhall be made, under the authority of the United States, ſhall be the ſupreme law of the land;" and he has reaſoned upon the ground, that the words "in purſuance thereof" referred to treaties, as well as to laws. But the difference between the phraſeology in relation to laws and to treaties is plain and remarkable; laws were to be made "in purſuance of the conſtitution;" treaties "under the authority of the United States." This difference probably ariſes from the following conſideration. The objects of the legiſlative power could be foreſeen and defined; therefore laws are limited to be made "in purſuance of" the definitions of the objects of legiſlative power in the conſtitution.——But the objects of the treaty making power could not be foreſeen, and are not defined; by confining the treaty making power to a definition of its objects in the conſtitution, it can never be exerciſed, if no ſuch definition exiſts; and by miſapplying to the treaty making power, the definitions of legiſlative power, every right poſſeſſed by the latter, would be opened to the former. But if the words "under the authority of the United States" are conſidered as having been applied to treaties, in place of theſe—"in purſuance of the conſtitution," which are applied to laws; becauſe the objects of the treaty are not defined; then the treaty making

power retains all the political attributes belonging to it, not inconsistent with the principle of agency or subordination interwoven with our policy in all its parts. Among these, is the right or attribute of acquiring territory. And it was probably the absence of a definition as to the objects of the treaty making power, which suggested the precaution, of checking it by two thirds of the Senate; thus subjecting it in this body, to the same restraint imposed upon amendments to the constitution. Whether these observations in relation to the quotation, upon which the gentleman from Massachusetts relied, do or do not prove, that the objects of the treaty making power are undefined by the constitution, and that it is incorrect to condemn this treaty, by applying to its definitions made for legislative power, is immaterial; if the construction I have given of the third article of the treaty is correct, because that construction proves its constitutionality upon the principles contended for by the gentleman himself; and if so, his reasoning founded upon a construction of the constitution, forbidding the erection of new states to the treaty making power, whether right or wrong, vanishes into smoke, as the third article requires no such thing.

Debate to be continued.

House of Representatives.

THURSDAY, January 5.

The house went into a committee of the whole—Mr. Varnum in the chair on the bill for reprinting the laws of the United States.

Mr. Jackson moved to strike out the 1st section.

A motion was made that the committee should rise on account of the absence of the chairman of the committee that brought in the bill (Dr. Mitchill,)

This motion was supported by Messrs. R. Griswold and Holland and opposed by Messrs. Smilie, Jackson and Nicholson.

Before the question was put, Dr. Mitchill entered the House, when it was taken, and the motion rejected—Ayes 47—Noes 54.

The motion to strike out the 1st section recurring, Dr. Mitchill spoke at some length on the expediency of reprinting the laws; but suggested the propriety of suffering the bill to rest until the next session.

Mr. Jackson withdrew his motion to strike out the 1st section, and moved that the committee should rise, with the view of postponing the bill to the next session.

This motion after debate, was carried—Ayes 67.

The committee were then refused leave to sit again.

Mr. Jackson moved a postponement of the bill to the 1st day of December next.

Mr. Thomas opposed the postponement. In case the motion to postpone should be negatived, he said he would move the recommitment of the bill to a committee, with a view to empower the Secretary of State to distribute the laws in the territory of Louisiana.

The motion to postpone was rejected. Ayes 47—Noes 52.

Mr. Thomas's motion was then agreed to—Ayes 60.

Mr. Dennis offered a motion directing the Secretary of State to transmit to each member of Congress a copy of the laws of the antecedent session.

Referred to the above committee.

Mr. J. Randolph said, that no people were more fully impressed with the importance of preserving unpolluted the fountain of justice than the citizens of these states. With this view the constitution of the United States and of many of the states also, had rendered the magistrates who decided judicially between the state, and its offending citizens, and between man and man, more independent than those of any other country in the world, in the hope that every inducement, whether of intimidation or seduction which could cause them to swerve from the duty assigned to them might be removed. But such was the frailty of human nature, that there was no precaution by which our integrity and honor could be preserved, in case we were deficient in that duty which we owed to ourselves. In consequence, sir, said Mr. Randolph, of this unfortunate condition of man, we have been obliged, but yesterday, to prefer an accusation against a judge of the United States who has been found wanting in his duty to himself and his country. At the last session of congress a gentleman from Pennsylvania did, in his place, (on the bill to amend the judicial system of the United States) state certain facts, in relation to the official conduct of an eminent judicial character, which I then thought, and still think, the House bound to notice. But the lateness of the session (for we had, if I mistake not, scarce a fortnight remaining) precluding all possibility of bringing the subject to any efficient result, I did not then think proper to take any steps in the business: Finding my attention however thus drawn to a consideration of the character of the officer in question, I made it my business, considering it my duty, as well to myself as those whom I represent, to investigate the charges then made and the official character of the judge, in general. The result having convinced me that there exists ground of impeachment against this officer; I demand an enquiry into his conduct, and therefore submit to the House the following resolution:

Resolved, That a committee be appointed to enquire into the official conduct of Samuel Chase, one of the Associate Justices of the supreme court of the United States, and to report their opinion, whether the said Samuel Chase hath so acted in his judicial capacity as to require the interposition of the constitutional power of this House.

Mr. Elliot opposed the adoption of the motion.

Mr. Smilie and Mr. J. Cluy supported it.

Mr. R. Griswold moved a posponement of it until to morrow.

Messrs. J. Randolph and Gregg opposed the postponement.

Mr. R. Griswold replied.

Messrs. Elliot and Dennis followed in support of the postponement; when

Mr. Holland moved an adjournment, on which the question was taken by yeas and nays—Yeas 52—Nays 62.

The question recurring on postponement, it was advocated by Messrs. Huger, Holland, G. W. Campbell and Mott, and opposed by Mr. Randolph.

Mr. Bedinger, a little before 5 o'clock moved an adjournment, which was agreed to—Ayes 58.

Virginia Legislature.

IN THE HOUSE OF DELEGATES.

Monday, January 2.

The Speaker laid before the House a letter from Robert Bailey, relative to Judge Tucker's memorial, which was read, and ordered, *unanimously, to be thrown under the table.*

Mr. CARR, from the committee, to whom was referred, the memorial of the Hon. ST. GEORGE TUCKER, and the documents accompanying the same, made the following

REPORT:—

The committee to whom was referred the petition of St. George Tucker, with sundry certificates and documents, produced by the said Tucker, and by Robert Bailey, have, according to the order of the house, made on the 7th day of December, had the same under their consideration, and have agreed unanimously to the following report:—

Your committee intended to have acted immediately on the petition referred to them; and therefore on the 8th of Dec. a note was addressed by the chairman to the said Bailey for the purpose of informing him, that on the following day, the subject of the said petition, would be taken into consideration; but the said Bailey having left the city of Richmond, and returned, as it was said, to Staunton, your committee appointed the 24th of December, for their second meeting, of which the said Bailey had notice, a special messenger having been sent after him for that purpose; That on the said 24th day of December, your committee again met; but at the instance of the said Bailey, the investigation was postponed until Friday last.

In granting these delays, for the accommodation of a witness, who had, according to his own statement, but a single fact to communicate, which of course he might have communicated as well at one time as another, and who, in consequence of a notice in writing, actually attended the house on the day when the said petition was first read: Your committee are conscious that they have done that for which no precedent can be found in the annals of judicial proceedings. They are sensible also of the injury which has been done to the feelings of an honest man & amiable & upright judge; because the impression made upon the public mind, by these delays, may have been, that doubts or difficulties had presented themselves in the investigation which, it required time to consider; Your committee conceive it *to be a duty which they owe to Judge Tucker, a member of a respectable and venerable body, hitherto without reproach, to justice and to their country, to declare, that no doubts or difficulties ever did present themselves. They could not but observe the universal indignation which the atrocious charge exhibited by Bailey had excited; It was far from being impossible, that they themselves might be in some degree under its influence. They therefore tho't it best to guard themselves, not for their own sakes only, but for the sake of justice and the accused, from the possible imputation of having acted with undue precipitation.—On Friday last, your committee were attended by the said Bailey: The petition, and the documents referred by the house to your committee, were read, and the said said Bailey, heard, in vindication of the principles stated in his memorial.*

Your committee being of opinion, that the said Bailey could be regarded by them, only as a witness in behalf of the commonwealth, called upon him, after the said petition and documents were read, and remarks heard as aforesaid, to support by his oath the momentous charge which he had exhibited against the said Judge Tucker:

This, the said Bailey refused to do:

Whereupon, your committee unanimously adopted the following resolutions.

1. *That the charge made by the said Bailey against the said Judge Tucker, to wit, the said Judge offered to the said Bailey, to exonerate him from a prosecution then pending, for unlawful gaming, in consideration of the sum of one hundred guineas, is utterly and absolutely groundless and false.*

2. *That this charge originated in malice on the part of the said Bailey, occasioned by the zeal which the said Judge has so uniformly and laudably manifested in the performance of his duty, in carrying into effect, the laws of this commonwealth for the suppression of gaming.*

Your committee wish it to be distinctly understood, that the foregoing resolutions are not produced by the failure of the said Bailey to take the oath required as aforesaid; but on the contrary, that these resolutions would have been adopted even if the said Bailey had gone further than he has done, and added the vilest perjury to the foulest calumny: Because it is proved by the evidence of many witnesses, intitled to the highest degree of consideration, that the said Bailey is a professed gambler, a swindler, and a cheat: Because it is also proved, that the mind of the said Bailey was influenced by a spirit of revenge against the said Judge: because the exemplary and honorable charater of Judge Tucker, in private as well as public life, sustained for so many years, ought to be deemed sufficient, and by your committee are deemed sufficient, to shield him not only from an attack, made by such a man as the said Bailey is represented and believed to be, but to guard him from the suspicion, that, such an attack by whomsoever made, could possibly be supported.

Your committee take leave to add, that while they are doing justice to Judge Tucker, they take pleasure in rescuing from undeserved reproach the hitherto untainted honor of the Judiciary Department, and in shewing to the people, and to our sister states, that the character of the commonwealth, for the integrity of its public officers, should continue to be held in the highest estimation.

The said resolutions being twice read, were unanimously agreed to by the house.

ON Sunday next, at half after 3 o'clock, Major THOMAS ARMISTEAD, an independent Baptist preacher, will deliver a Discourse in the Capitol. January 11.

The Virginia Gazette.

—RICHMOND—

SATURDAY, JANUARY 14, 1804.

On the 17th of November the governor of Jamaica issued a proclamation ordering all foreigners, and the French in particular, to quit the island without delay, unless they immediately gave such security as the terms prescribed required. In consequence of which two ships were chartered to carry the French to New-Orleans.

From New-Orleans.—We have received, per mail, New-Orleans letters and papers to the 14th of December. At that time the place continued in the possession of the French. Gen. Wilkinson and Gov. Claiborne were at Fort Adams the 7th, making preparations for the possession of the country. A vessel had arrived there from Jamaica, giving an account of the evacuation of St. Domingo, and stating that the English, conceiving it dangerous to keep the French troops in Jamaica, had chartered several Danish vessels to embark them for the Mississippi. This had occasioned considerable uneasiness; and the American forces were anxiously expected. *(Relf's Phila. Gaz.)*

If Mr. David Gelston and Mr. John Mills do not choose to come forward and declare the truth respecting the contemptuous expressions said to be used by governor Clinton as to the character of Mr. Jefferson, perhaps Mr. J. Swartwout and Mr. M. L. Davis will. They are all solemnly appealed to in the late pamphlet by Aristides. If no denial appear, it will be believed that such were the sentiments of governor Clinton, and that he retains them until this day. Monstrous proceedings of the democrats have of late been disclosed, and yet some say, that the half has not been told. *(N. Y. Spectator.)*

One would think that from the contemptible opinion which gov. Clinton has expressed of Mr. Jefferson, to which Mr. David Gelston and Mr. John Mills can bear witness, the former could not advocate the cause of the latter. [See pamphlet entitled, "An Examination," &c. p. 55.] But after the coalition of the Livingston and Clinton families, the violent procedure in the distribution of offices, and the barbarous treatment of Mr. Burr, nothing is any longer incredible. *(Ibid.)*

From the New-York Evening Post.

NEW PAMPHLET.

NUMBER II.

We closed our last number of the review of this interesting and valuable performance with an extract shewing that Governor Clinton had at least as poor an opinion of Mr. Jefferson, as a statesman and a republican, as the federalists themselves have always had. We have seen that he declared in terms, that "*he had long entertained an unfavorable opinion of Mr. Jefferson's talents as a statesman, and his firmness as a republican.*" And it is not for our having been frank and open in expressing those very sentiments that the Clintonians have for years been incessantly branding us as the most wicked calumniators?—Again; we have seen, that Governor Clinton at the same time declared, that "*he conceived Mr Jefferson to be an accommodating trimmer, who would change with times and bend with circumstances, for the purpose of personal promotion?*" Let me now ask if the federalists have ever published any thing worse of Mr. Jefferson as a public man than this? Does it not indeed amount, in plain language, to saying that he was an unprincipled villain who would atchieve his own personal aggrandizement at the price, if necessary, of his country's ruin? I think in all conscience this is speaking ill enough of any one; it is not very easy to represent a man in a much worse light than his excellency has Mr. J. To proceed, "*Impressed with these sentiments, he could not with propriety,* (said Governor Clinton) *acquiesce in the elevation of a man destitute of the qualifications essential to the good administration of the government.*" After declaring him to be without either talents or integrity, it was hardly necessary to add, that "he could not acquiesce in his elevation."—"But, said he, with energy, if Mr. *Burr was the candidate, I would act with pleasure and with vigor.*" Would you so Governor? or did you only mean to come a little blarney over the Colonel? Because if your confidential friends are to be believed, you at that time thought him every whit as bad a man as Mr. Jefferson, and very much such a character. That the public may see we do not speak "without book," we will refresh the Governor's memory with a few passages from a work said to be written by his hopeful nephew, De Witt Clinton, or by his instrument James Cheetham, but at any rate published with his approbation and openly patronized by him and by all the party. From this it will appear that the turpitude of Col. Burr is not a late discovery, but was as well known to them all at the very period when the Governor swore he would promote his election, with all his soul, as it is now.

In the first attack made on Colonel Burr, in a pamphlet entitled, "*A narrative of the suppression by Col. Burr,*" &c. page 10, he is declared to be a man "*habituated to secret movements and dark consultations,*" guided by "*inordinate views of personal ambition,*" and one in whom *the public can repose no confidence.* In page 29, however, his character is thus drawn by them at full length: "*It is fearful to reflect upon what our condition would, in all probability be, were Mr. Burr at the head of our government. It cannot be concealed that he is a man of desperate fortune; bold, enterprizing, ambitious and intriguing; thirsting for military glory and Bonapartian fame.*" [Thus far, it is not pretended the patriot resembles Mr. Jefferson, but read on.] "*A man of no fixed principle, no consistency of character, of contracted views as a politician, of boundless vanity and listless of the public good; one who is pursuing with "an appetite keen as death and a hand steady as time" projects disreputable to himself and injurious to the country.*"—Such is the man (they add) who "fit to distract the peace of the world" is endeavoring by *base* arts to supplant the chief magistrate, and to estrange the affections of the people from him. This indeed has been his uniform practice *from the very moment the republicans agreed to support Mr. Jefferson as president and himself as Vice-President.*" Yet after this agreement was entered into, the virtuous, patriotic Governor Clinton, declared "with energy" he would act with vigor to support him were he only the candidate for the presidency instead of the "accommodating trimmer" they had pitched upon Mr. Jefferson.

Such being the opinion the Clintons hold of our worthy President of the United States; let us now see what was Mr. Burr's opinion of him. In page 18 of the work last quoted, it is stated that Mr. Burr observed to Wood, on reading the character he had drawn of Mr. Jefferson, that he did not think it "exactly descriptive of that illustrious person.—He observed that Mr. Jefferson was not a man of *genius*; he was a *plodding, mechanical* person, of little activity of mind, and possessed of a judgment not very discriminate. Mr. Jefferson, he said, had also another *great failing: he courted and was fond of popularity;* Now when we recollect that according to them Mr. Burr is a man *habituated to secret movements and dark consultations* and one "who appears solicitous only to *wrap his actions into profound mystery,* this language especially to Mr. Wood, amounts to about the same thing held by Clinton. To *court* and be *fond of popularity to a failing* is, in Mr. Burr's dialect, equal to an "*accommodating trimmer*" in Governor Clinton's and what the honest and independent federalist calls an *unprincipled, ambitious demagogue.*

Having thus disposed of the two officers in the government, and shewn the public, in what degree of estimation they are and have long been both held by those who exerted all their "energy" to promote their elevation, we shall proceed to exhibit the characters of some, of inferior note to be sure, but still who occupy exalted stations. Let us not incur the charge of slander for doing this, for it is to be remembered we are only republishers.—Parodying a celebrated writer, we may exclaim, none but those intimately acquainted with them in their most confidential hours, and masters of their choicest secrets could have described them so well.—Following their own order we begin with the notorious Ambrose Spencer. The reader will however, bear it in mind that we do not republish *all* that is said of the several personages that are to pass in review before him; for that he must turn to the pamphlet itself, in which, if he is fond of seeing strong invective conveyed in an energetic, lively, and generally speaking, correct style, he will be amply gratified. To confess the truth, we are inclined to steer clear of a libel where we have no object worthy the risk, though to gratify our numerous readers as far as possible, we mean to go pretty near the wind.

"Ambrose Spencer, has twice been thus imposed upon the middle district as its senator, when not a solitary town in any of the countries that compose it, could be found to nominate him.—Having at the commencement of his political career, attached himself to the federal party, he acted faithfully with them, until the end of the year 1798.—At that period he was a member of the council of appointment, and with characteristic ferosity, advised the indiscriminate rejection of republicans from office, and in his own peculiar and elegant phraseology declared, that with him, *republican** and *rascal* were synonimous terms.

"Early in 1799, impressed with a conviction that he had served his party and its principles with fidelity, he sought as usual a compensation for his services.

About this period the office of comptroller was vacant, by the resignation of Mr. Jones, and on that the patriotic Mr. Spencer fixed his hopes.—Mr. Jay, however, understood his character, and rejected his application with disdain. Mortified and disappointed, moved by malice, and fired with resentment, he burst the frail ligaments that bound him to his party, and leapt at once in the bosom of his former enemies. By them to their shame he has been cherished. And by the worst combination of individual folly, with the perverseness of party spirit, he has been hurried through a variety of lucrative and honorable appointments.

Without the aid of genius, or a single———, he has been raised to an elevated station, by which the reputation of the party has been heedlessly endangered, its honor degraded and betrayed. For what purpose this man has been offered to the dignity of the state, cannot be conjectured. For none certainly that can justify this outrage upon the feelings of the public.

Such is one of the men at whose disposal those who called themselves the republican party, placed the office and emoluments, of this state, and who, it is well known, exercised his authority with what they aptly call "characteristic ferocity;" but which it is too, too well remembered they also at that time, before they found themselves excluded from any participation, defended and justified.—Truly may we say, "Their *mischief hath returned upon their own head; and their violent dealings upon their own pate.*

* *I am informed these were his precise words.*—

(To be continued.)

From London Papers.

The property tax.—Under the operation of the new act, no person is called upon to return an account of his income, unless he chooses to do so voluntarily, for the purpose of obtainining some exemption, or abatement of charge.

Those who have property in land, or who occupy lands or houses as tenants, who have money in the public funds, or any corporation stock, or lent on mortgage, bond, or any other security, bearing annual interest within Great-Britain, or who possess any office, salary, annuity or allowance, whether public or private, are only required to sign the general declaration prefixed to the return, viz. "That they are not possessed of any property, nor engaged in any profession, trade, adventure or concern, of which they are required, or ought to deliver any statement according to the act."

It may not, however, be amiss to observe, that the most convenient mode of payment for money in the funds, will be either to make a separate return of it to the commissioners for the city of London, or to pay 5 per cent. on the dividends as they arise into the bank, and to take a receipt, specifying the stock on account of which the payment is made; which receipt must be sent to the officers of the commissioners for the city of London.

Those who are engaged in trade or professions, or who have property or securities in Ireland, or abroad, must indeed, either make a return of their profits so arising to the commissioners, who are sworn to secrecy, or if they desire a more complete concealment may be charged by a secret reference in the mode pointed out in the 117th section of the act. But they are not bound to make any return of other property they may possess, of any of the various descriptions before enumerated; and therefore, the real state of their circumstances cannot possibly be known even by the commissioners.

A gentleman exhibited in the bath at Buxton, a few days ago, a curious apparatus, which he calls a Nautilus: by the use of it, any person may walk across the deepest river without danger of sinking. The experiment was made in the presence of a great number of spectators, who were highly gratified in witnessing the complete success of an invention which must be of such importance to mankind, as we understand the apparatus may be either applied to boats or ships of the largest dimensions, which will render them incapable of sinking, even if their bottoms were beaten out. We recollect an experiment having been made with like object at Dublin, some years ago; the projector undertook to walk across the bay, but the first step he took immersed him a dozen feet below the surface, to the great entertainment of several hundred spectators.

Several small vessels, built entirely of fir wood, have been launched at Botany Bay: they are built upon such a construction that they cannot sink, and are therefore called life-packets. When under sail, they are worked and kept to windward by means of sliders; and in calms, and against light winds, are impelled by wheels.

BOSTON, December 26.

Festival of the Sons of the Pilgrims.

On Thursday, the 22d of December, was celebrated at Concert Hall, the anniversary of the landing of our forefathers at Plymouth. Stephen Higginson, esq. presided, and Peleg Coffin, Martin Brimmer and William Tudor, esquires, officiated as vice presidents. The president and possessors of the University, the judges of the supreme court, and the reverend clergy of this and the neighboring towns were among the distinguished guests at this joyful festival. The decorations of the hall, the occasional odes, and the music were all appropriate and impressive. The remembrance of former days was revived, when the wisdom of our fathers, in the midst of perils, was planning for the good of future generations, and the pure sentiments of reverence and gratitude were offered to their memories. It was a moment to reflect upon that singular constitution of things which has lasted so long, and produced so much good; to ponder upon the value of our inheritance, and the best means of preserving it.

After dinner, the following toasts were given;

1. Our Ancestors—May their institutions and manners be as immortal as their renown.

2. The memories of Carver, Bradford, Winslow and Standish—"Who guided our affairs; as to make most to the glory of God, the advancement of this hopeful country; the comfort, encouragement and future benefit of their posterity."

3. The memories of Brewster, Cotton, Norton, Higginson and Elliot—The five burning and shining lights in "the golden candlesticks" in the early churches of New-England.

4. Our Country—In the language of our ancestors, "may the management of our government and ours be committed *to such only* as are the most wise, honest, expert and discreet persons in the union—Natives of the Plantation."

5. The president of the United States—Let history take care of his *fame*, and conscience of his *recompence*.

6. The governor of this commonwealth—May his virtues bring his foes to *repentance*, as well as to silence.

7. "Captain Standish" on Mount Wollaston.—When designing men preach and practice licentiousness *under a liberty pole*, may we never want spirit and virtue *like his* to detect and discomfit them.

8. The revered WASHINGTON—May our country honor his memory by adhering to his friends, and his counsels.

9. Our constitution as it is—our rulers as they should be.

10. The People—May they open their eyes to discern liberty's greatest danger in its success; and their own worst enemies in their flatterers.

11. The Clergy—They will never want friends while virtue has any.

12. Louisiana—a country without patriots—May our patriots without a country occupy what they have bought, and leave us to enjoy what we have inherited.

13. The Navy—May it be so augmented that it may protect our exposed commerce; and so employed that it will raise our degraded national spirit.

14. Let those who buy right and sell honor have contempt gratis.

15. Such soundness in public opinion, that if our great men will not speak the truth they shall hear it.

16. The native land of our Forefathers—May the temple of rational liberty be forever protected from the rapacity of gallic despotism.

17. The University in Cambridge—May our general court be liberal and wise to watch for its advancement, and thus may we pay to our posterity a part of the inextinguishable debt we owe to our ancestors.

VOLUNTEERS.

Our friends at Plymouth—On the rock of the landing celebrating the virtues which they inherit.

John Adams—May his services and his virtue never be forgotten.

Rufus King—An ornament to his country at home and abroad.

Charles Cotesworth Pinckney—The gentleman, the statesman, the soldier—sound in his politics and correct in his views.

Fisher Ames—His country "will take charge of his fame, and conscience of his recompence."

Old England—May she shew her best face to her worst enemy.

The ambition of our democratic rulers—Like Louisiana without bounds or limits.

Moderation to our rulers—"with land enough for the hundredth and thousandth generation"—may their cry no longer be 'more land.'

The memory of Doctor Belknap—May history do him that justice which he has done his country.

The man who, fearful of the *bloody Arena*, fled to the mountain.

NEW-YORK, January 3.

An idle rumor prevailed in the city yesterday, that the French had effected a landing in Ireland with upwards of 100,000 troops. We presume this report had its origin in the following extract

From the Norwich (Conn.) Courant, Dec. 28.

"A report is in circulation, that the French have landed 30,000 men in Ireland. It is said to be received by captain Berry of the schooner Mechanic, 35 days from Lisbon. We understand that captain Berry saw a letter from Ireland, to a gentleman in Lisbon, which gave the above intelligence. It is also said, that captain Berry spoke a ship from Liverpool, which informed him that the Brest fleet were out.

We have not been able to see captain Berry; we therefore publish it as we have it. We, however, do not give much credit to it."

January 6.

Extract of a letter from a commercial house in New-Orleans, to another in this city, dated Dec. 6.

"*Business here is at present in an unsettled state, and will continue in suspence until the arrival of the American troops, which are expected here on the 10th. We are now under the French flag, though no French soldiers are here. In consequence of this, on the day the country was ceded to France, the American consul recommended that all the Americans in town should volunteer their services to guard the public buildings, forts, &c. and form a patrole for the preservation of order, until the troops arrive. This has been done; and about 150 Americans, joined by 50 of the inhabitants, turn out in rotation every 48 hours. The business at the custom-house is done by a collector, appointed by the French prefect; and the same duties of 6 per cent. on exports and imports continue to be paid. Merchants who have Spanish vessels to load, and goods to ship, suffer them to remain in a state of inactivity, from an idea that their property will be considered American when the country is delivered to the United States.*"

PHILADELPHIA, January 3, 1804.

ST. DOMINGO.

Fort Dauphin, Nov. 29, 1803.

Mr. KELLY,

You are invited, in the name of the freemen of St. Domingo, and, above all, of the impartiality which ought to be the stamp of a good republican, to insert in your next number the enclosed Proclamation. You will infinitely oblige

Your most humble, and
Most obedient servant,
B. AIME.

PROCLAMATION.

Of Dessalines, Christopher and Clerveaux, chiefs of St. Domingo.

In the name of the black people and men of color of St. Domingo.

THE independence of St. Domingo is proclaimed. Restored to our primitive dignity, we have claimed our rights; we swear never to yield them to any power on earth; the frightful veil of prejudice is torn to pieces, and is so for ever. Woe be to whomsoever would dare again to put together its bloody tatters.

O! Landlords of St. Domingo, wandering in foreign countries, by proclaiming our independence, we do not intend to forbid you indiscriminately from returning to your property: far be from us this unjust idea. We are not ignorant that there are some among you, that have renounced their old errors, abjured the injustice of their exorbitant pretensions, and acknowledged the lawfulness of the cause for which we have been spilling our blood these twelve years. Toward these men who do us justice, we will act as brothers; let them rely for ever on our esteem and friendship, let them return among us. The God who protects us, the God of freemen bids us to stretch out towards them our conquering arm. But as for those who, intoxicated with a foolish pride and interested slaves of a guilty pretension, are blinded so much as to think that they are the essence of human nature, and they affect to believe that they are destined by heaven to be our masters and our tyrants, let them never come near the land of St. Domingo; if they come hither they will only meet with chains and deportation; let them stay then where they are; and tormented by their well deserved misery and the frowns of the just men that they have too long mocked at; let them still continue to move the pity and concern of nobody.

We have sworn not to listen to clemency towards all those who would dare to speak to us of slavery; we shall be inexorable, perhaps even cruel, towards all troops who, themselves forgetting the object for which they have not ceased fighting since 1789, should come yet from Europe, to carry among us death and servitude. Nothing is too dear, and every means are lawful, to men from whom it is wished to tear the first of all blessings.—Were they to cause rivers and torrents of blood to run; were they in order to maintain their liberty, to conflagrate seven-eighths of the globe, they are innocent before the tribunal of Providence, that has created men, to see them groaning under a harsh and shameful servitude.

If in the various insurrections that took place some inhabitants, against whom we had not to complain, have been victims of the cruelty of a few soldiers or cultivators, too much blinded by the remembrance of their past sufferings, to be able to distinguish the good and humane land owners from those that were unfeeling and cruel; we lament with all feeling souls so deplorable an end and declare to the world, whatever may be said to the contrary by wicked people, that the murders were committed contrary to the wishes of our hearts. It was impossible, especially in the crisis in which the colony was, to be able to prevent or stop those horrors.—They who are in the least acquainted with history, all know that a people, when assailed by civil dissentions, though they may be the most polished on earth, give themselves up to all kinds of excess; and the authority of the chiefs always but poorly consolidated in a time of revolution, cannot punish all those that are guilty, without always meeting with new difficulties.

But now a days the Aurora of peace lets us have the glimpse of a less stormy time now that the calm of victory has succeeded to the troubles of a dreadful war, every thing in St. Domingo ought to assume a new face, and its government henceforward to be that of justice.

Done at the head quarters, fort Dauphin, November 29, 1803.

(Signed) DESSALINES, CHRISTOPHE and CLERVEAUX.

(True copy) B. AIME, Sec'ry.

WASHINGTON, January 6.

NO NEWS is received from NEW ORLEANS, by the mail of last evening.

The SENATE of the United States have determined that the form of their proceedings in the capacity of a court of impeachment, shall be distinct from those in their ordinary character; in consequence of which decision, a seperate Journal is kept, and distinct adjournments take place.

A motion was yesterday made by Mr. J. Randolph, in the House of Representatives, for appointing a committee to enquire into the judicial conduct of the Hon. Judge Chase, and to report on the propriety of impeaching him. Mr. Randolph said that he was induced to this measure in consequence of his having heard a gentleman from Pennsylvania, during the last session, state, in the course of debate, some circumstances respecting the official conduct of the judge, which he thought should be made the ground of impeachment, and that, exclusive of this information, he was himself in possession of some facts which had come within his personal observation, but which he did not think proper to mention in his place. One of the democratical members hoped that the gentleman from Virginia, or the gentleman from Pennsylvania, would state what these facts were, for that he could not reconcile it to his mind to vote for an enquiry which was to ground an impeachment, unless the facts alluded to were specifically stated.

Mr. Smilie said that he had heard some person who was present at the trial of one of the Western Insurgents, some years ago, say that when Mr. Lewis and Mr. Dallas, the counsel for the defendant, were about to address the jury, on behalf of their client, Judge Chase directed them to confine their arguments to the FACTS, and not to the LAW, respecting treason—that himself and the rest of the court had considered it their peculiar province to decide on the law—and that they had already agreed in their explanations on this point, which would be delivered in their charge to the jury—The consequence of this, said Mr. Smilie, was, that the counsel did not speak, and the man was condemned, and had like to have been hung, but was pardoned by the executive. [Here Mr. Smilie sat down, put his hand to his neck, and looked around with some degree of exultation; as much as to say, if this is not sufficient to impeach him, what the devil is?]

Mr. Griswold said, that respecting the right which the bench might have to confine the bar within a certain latitude, in their observations to the jury, in criminaal cases, various opinions were entertained by various persons. Some legal characters were inclined to think that the bench could not limit forensic discussion to any particular point, but that they had the right of descanting not only on the fact but on the law arising from the fact to the jury; while others were of opinion that the observations of the bar on points of law must be addressed to the court only. Mr. G. said he did not perceive the necessity of investigating the correctness of these opinions on this occasion; for even admitting that the judge might have been mistaken, he rather thought that such mistake should not become the subject of impeachment, unless the opinion expressed, resulted from a corrupt and improper motive; and he could not but think it strange, that when there had been a plurality of persons on the bench, coinciding in this opinion, one only should be singled out for reprehension.

But, said Mr. Griswold, even this fact is not substantiated. The amount of the gentleman's statement is, merely that he HEARD someboy say something—and the amount of the statement of the gentleman from Virginia is, that he KNOWS something which he does not choose to tell; for his own part, he was at present of opinion that when a committee of this kind was appointed, it was necessary that there should be some facts previously ascertained, on which the enquiry was to be instituted. He might be mistaken, on this point; perhaps it was not necessary; but less an improper precedent might be established on this occasion, he hoped a few hours would be allowed for considering it, and moved a postponement.

This motion was supported by Mr. Huger and Dennis, and opposed by Mr. Randolph and Mr. Clay, and a lengthy discussion was terminated by a motion to adjourn, which was carried—Ayes 57.

Wash. Fed.

NORFOLK, January 10.

The following extract of a letter was handed us yesterday by a gentleman of this place, dated

"*Martires Borough, (N. C.) Dec. 29.*

"I have opened my letter to relate an accident which happened about 20 miles from this place on the 12th inst. During the time captain Smith's vessel lay in the river, a tornado came on which lasted about five minutes, and upset the vessel—the mate and three seamen in the cabin at the time. Mr. Bradley's house was carried some distance, his desk and other furniture dispersed nearly four hundred yards from his house, and his cash and goods strewed in various directions—a horse and bull carried some distance, the former killed, as well as all his poultry, hogs, &c. The trees adjoining torn up by the roots—bricks, &c. flew about, some nearly a quarter of a mile, and many other unfortunate disasters took place. The vessel was righted again yesterday, and three of the men were found dead, linked together in the cabin."

SEEDS.

Minton Collins

Respectfully informs his Friends and the Public, that he has just received, per the ship Shepherdess from London, a fresh assortment of

GARDEN SEEDS:

He has likewise received from Philadelphia, an assortment of

GRASS SEEDS,

Which are warranted to be of the last summer's growth, and may be had at his original Seed Store—Viz.

Red & white Clover Seed.
Lucern, and Timothy.
Burnet, and rye grass.
Saintfoine and burden do.
Furze, or whin seed.
Spring tares or vetches.
Hemp, flax and rape seed.
Canary, and spinage.
White & brown mustard.
Large Norfolk & summer turnip.
Green and white asparagus.
White curled endive.
Large cabbage, & Roman lettuce.
Brown Dutch, and grand admiral.
Green and cos lettuce.
White lettuce.
Salmon, white turnip, & large black radish.
Blood red beet, and solid celery.
Early, & late cucumber.
Cresses, and pepper grass.
Large parsnip.
Large red, and orange carrot.

PEASE.
Early frame, charlton, and hotspur.
Dwarf marrowfat, Spanish moratto, glory of England, & blue Prussian peas.
Large Windsor, long pod, white Canterbury, and snap beans.

CABBAGE SEED.
Early, and late York cabbage.
Early, and late Battersea.
Early, and late sugar loaf.
Green, and yellow savoy.
Large white Scotch cabbage.
Large white winter do.
Flat Dutch, & Madeira do
Red Dutch, to pickle.
Brussels sprouts, and Borecole.
Early, & late cauliflower.
Purple, green, and white brocoli.
Salsafie, and nasturtian.
Madeira, and silver onion.
Large London Leek.

With an assortment of Flower Seeds, painted Flower Pots and Pans, jars and beakers in sets for chimney ornaments; large red garden pots and pans, blue and white glass flower bottles, &c.

Richmond, January 12, 1804.

Richmond Temporary Theatre.

This evening, Saturday, January 14th, will be presented a favorite Comedy, called

SPEED THE PLOUGH.

To which will be added (for the first time here) a favorite Musical Entertainment, called

The Sixty-third Letter.

☞ Doors to be opened at 5, and performance to begin at 6 o'clock, precisely.

*** Tickets to be had at Mr. Prichard's Book-Store, at Mr. Davis's Printing Office, and at the Theatre. Admittance One Dollar.

For the VIRGINIA GAZETTE.

Discourse on Education.

THE subscribers to the four Discourses which J. OGILVIE has undertaken to deliver during the session of the Legislature, are respectfully informed that the third Discourse, on EDUCATION, will be delivered in the Capitol on Sunday evening at 5 o'clock.

N. B.—On this occasion, no charge will be made for the admission of occasional visitors.

The famous imported Horse

DRUID,

NEAR sixteen hands high, will stand the ensuing season at my stable in Chesterfield county, five miles from Goode's and Bevil's bridges. The terms will be made known before the season commences.

Thomas Branch.

Chesterfield, January 10th, 1804.

To the Public.

The first number of THE POLITICAL REPOSITORY will be published on Wednesday the 22d. of February. I shall not find it convenient to issue the first number sooner, being closely engageded in preparing for the press a manuscript, which will be printed in a pampelet, as the subject is not of a political nature.

ROBERT RICHARDSON.

Richmond, 1804

ALMANACS,

FOR THE YEAR 1804,

For Sale at this Office.

IRISH LINENS.

Good assortment of 7-8ths and 4-4ths wide

Irish Linens,

IN boxes of 25 to 34 pieces, purchased in Dublin in July, and imported by the ship Mercury, from Liverpool, for sale by

JOHN HENRY.

Richmond, 10th November, 1803.

GILLIAT & KIRBY,

HAVE JUST RECEIVED

By the late arrivals from London and Liverpool

A General Assortment of

Fall and Winter

GOODS,

Which they are now selling off at their usual low prices, for cash or country produce.

Richmond, September 12, 1803. tf.

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80 Dollars Reward.

Ran away on Monday the 20th June last, a Negro Girl, called

SALLY,

LATELY the property of Mr. William Robertson, of Manchester. She is a tall, spare, black Girl, about twenty years old, stoops much, has very short knotty hair, which she attempts to make longer by platting; her nose turns up and is very thick at the end. Davy and Peter Norton, in Richmond or Manchester, are her uncles, by whom it is probable she is harbored.—She is a good seamstress.

I will give the above reward to any person who will secure her in Jail so that I get her again.

JOHN GILLIAM.

Prince George, near Petersburg, July 15, 1803.

JOHN LESSLIE,

Has just received from London and Bristol,

AN ELEGANT ASSORTMENT OF

Cut Glass,

In Table Setts, &c. &c. and an ample supply of

COPPER,

Raised Bottoms and Sheets—which, with his usual

ASSORTMENT of

GROCERIES,

Will be sold low for Cash, Country Produce, or Acceptances payable here at 60 or 90 days.

Richmond, Oct. 7, 1803.

Tobacco Land

FOR SALE.

IN Amherst county, on Horsley's Creek, 529 acres of rich Tobacco Land, formerly the property of Mr. Daniel Warwick, and known by the name of WINCANTON. This land has the advantage of laying on the main road, leading from Amherst Court-House to Waugh's Ferry, on James River, is a valuable stand for a Country Store, with a framed house for that purpose, entirely new, and sufficiently large, having two rooms below and two above stairs, with a good brick chimney, and well under-pinned with brick, also a lumber house sixteen feet square, with a cellar of its full size walled up with stone. There is also a Taylor's and Saddler's shop, and other out houses; likewise a tolerable good dwelling house with three rooms below, and two above stairs; a kitchen, dairy, and other out houses within a mile of the store, suitable for a private family. On this tract of land there is about seventy five acres cleared; all of which is fresh and in good order for cultivation. It has also the advantage of being only seven miles from Bethel, where there is an inspection of Tobacco, and within eighteen miles of Lynchburg.

As it is presumed no person will be inclined to purchase the above without viewing the premises, they will be shewn by Messrs. Taliaferro & Loving, who live within a few miles of Wincanton, and fully empowered to make a sale; and the terms of payment may be known from them; as also on application to

Gilliat & Kirby.

Richmond, September 8th, 1803. tf

LOUIS WERCQ,

MERCHANT TAYLOR,

NOT intending to carry on his business as extensively as heretofore, informs the public, that in future he shall expect materials to be paid for, before they are made into clothes. He has on hand a supply of the best Cloths, Cassimeres, Swansdowns, Marseilles, &c. which he will sell low for cash only. All persons having claims against him will be paid on application, and those in his debt are requested to pay their accounts to him immediately.

Richmond, October 17th, 1803. 4m.

TO RENT,

THE middle tenement in the large four story Brick house nearly opposite the Post-Office, which was last occupied by Edmund W. Rootes—For terms apply to BEN. JAMES HARRIS, *or* THOMAS HARRIS.

Richmond, October 7, 1803.

THE SUBSCRIBER

OFFERS FOR SALE,

VERY LOW INDEED,

FOURTH proof French Brandy, by the pipe.
Second proof Holland Gin, by the pipe.
Best Green Coffee, by the hhd.
New-England Rum, by the hhd.
Sherry Wine, (best quality) by the quarter Cask.
Window Glass, by the box, different sizes.
Cotton Cards, assorted numbers, by the box

AND A GENERAL ASSORTMENT OF

PATENT BALANCES.

E. W. ROOTES.

November 30th, 1803.

LOST OR MISLAID,

TWO BONDS,

GIVEN by Mr. Charles Crenshaw, dec. formerly of Hanover, to Joseph Roberts, late of Pittsylvania; the one payable on the 1st of April, 1777, on which a balance was then due of £87 3 6; the other payable on the 1st of April, 1778, for £160. These Bonds were passed off by Roberts to a Mr. Shorts, by Shorts to William Pigg, who on the 10th of February, 1776, passed them to James Smith & Co.—They were left by the agent of the company, Archibald Smith, on his removal from this country, with David Leitch. Mr. Leitch having removed to Kentucky, and there died, the subscriber has been unable to obtain information of them. He supposes it possible, they may have been left by Mr. Leitch to the hands of some friend, who may not have been apprized of the agency of the subscriber, and to whom no application may have been made. Any gentleman who can give information relative to them to the subscriber, will confer an obligation on him; and any trouble he may be at in obtaining and forwarding them, shall be liberally compensated. Letters directed to the subscriber, by Mail, to Pittsylvania courthouse, will be attended to.

SAMUEL CALLAND,
Attorney in Fact for
JAMES SMITH & Co.

Pittsylvania, December 17th, 1803. (1awpSw)

VIRGINIA:

At a Superior Court of Chancery holden at the Capitol in the city of Richmond, the 28th day of September, 1803,

BETWEEN

Anthony Walke, executor of Anthony Walke, dec. Plaintiff,

AND

William Nelson, executor, and Charles Carter Armistead, heir at law of William Armistead, deceased, Defendants.

THE defendant Charles Carter Armistead, not having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court that he is not an inhabitant of this country: On the motion of the plaintiff, by his council, it is ordered, that the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste,

PETER TINSLEY, C. C.

Twenty Dollars Reward.

RUN AWAY from the subscriber in the lower end of Goochland county, about the 26th of December last, a likely Negro Man, named

CHARLES,

who run the river last year in Mrs. Crouch's boat, with coal from Mr. Graham's pitts. He is about 5 feet 10 inches, a little yellow complexioned, and speaks pert and smiling when spoken to, and rather with a fine tone of voice; is about 25 years of age, can read and write, and pretends to be a religious person. He formerly belonged to the estate of Mr. Matthew Woodson, deceased, of Dover; had on, when he went away, a blue broad cloth coat; other clothing cannot be recollected, as he had sundry clothes. The above reward will be given if taken out of the county and confined in jail so that I get him again, or ten dollars if taken within the county and delivered to

Wm. Powell.

January 4, 1804. oaw4wp

Notice is hereby given,

To the Stockholders of the BANK of ALEXANDRIA, that an Election will be held at the Court house in this Town, on the third Monday in January next, for the purpose of choosing nine Directors of said Bank for the ensuing year, agreeable to charter.

By order of the President and Directors.

GURDEN CHAPIN, *Cashier.*

December 15.

NOTICE.

In the case of Ephraim Macquillen, a Bankrupt.

THE subscribers being duly appointed assignees of the estate and effects of Ephraim Macquillen, bankrupt; all persons indebted to the said bankrupt, or who have any of his effects, are not to pay or deliver the same to any person or persons than the subscribers, or to such as shall be duly authorised by them.

JOHN CUNNINGHAM,
JOHN ST. JOHN, } Assignees.

December 27, 1803.

BARTLETT STILL,

Is opening a General Assortment of

Fancy Goods,

In the house lately occupied by Mr. Wm. Mexburn, next door to Messrs. Ellis & Allen,

—VIZ.—

Chintzes and Calicoes.	Fashionable Ribbons.
Lace Cloaks and Veils.	Silk and Cotton Trimmings.
Fine Laces & Edgings.	Satin and Lustring Umbrellas.
Lustrings and Satins.	Gloves & Glove Ties.
Silk Muslins.	Moleskin Vest Patterns.
Italian Crapes.	
Feathers and Flowers.	

Plated Ware and Jewellery.

Fine Guns & Pistols.	Gold and Silver Trimmings, new patterns.
Gold & Silver Watches, & Clocks, warranted.	

T E A, &c.

Gunpowder Tea.	perior quality.
Spanish Segars, of a su-	

N. B.—B. S. offers his services to his friends and the public, to transact VENDUE & COMMISSION BUSINESS. Those who may please to favor him with their business, may depend on good treatment, as great exertion will be made to give satisfaction.

PRODUCE and GOODS stored and delivered on the shortest notice, by B. S.

Richmond, December 13, 1803.

For LIVERPOOL,

The best armed fast-sailing Ship

AURORA;

WILL be dispatched with all possible speed; freight offered immediately will be received on accommodating terms. Apply to

Robertson & Brown.

6000 bushels Stoved SALT.

Norfolk, Dec. 13, 1803.

ROBERT GAMBLE & SON,

Are receiving by the ship *Rome*, and other arrivals from Europe, a general assortment of

Merchandize,

SUITABLE to the season, which they are disposed to sell on moderate terms, for Cash, Country Produce, or, to *punctual customers*, on the usual credit.

Having a large and convenient WARE-HOUSE calculated to store FLOUR, &c. those who may confide Country Produce, &c. to *their* care, are assured, that their endeavours will be used to give general satisfaction, and their charge for storage, &c. will be reasonable.

Richmond, 17th October, 1803.

To the Public.

DURING the ensuing year J. OGILVIE will continue to pursue the professional instruction of youth in the city of Richmond: His course of instruction embraces Grammar, Arithmetic, Latin, Geography, History, Geometry, Natural and Moral Philosophy, political Economy and Metaphysics; exercises in Composition and Elocution, Periodical public exhibitons & examinations will also constitute regular and essential parts of the plan he proposes to pursue. His charge for tuition will be fifty dollars per annum for instruction in the several departments of science, and forty dollars for instruction in the different branches of elementary literature, he proposes to teach; the fee for tuition to be paid quarterly in advance. Every pupil will also be expected to pay three dollars annually on entrance to defray the expence of fuel and the rent of the school & lecture room By confiderate and candid men, J. Ogilvie presumes that no apology or explanations will be deemed necessary, for the additional charge of thirteen dollars annually. The fees of tuition, are at present palpably and proverbially below the standard of equitable compensation for the labor which the instructor undergoes and the services he renders. A very brief statement will place this important subject in a clear and interesting light. The paramount importance of education is acknowledged by all. It is the *radical* profession, on which the virtue, accomplishments and happiness of individuals, what occupation soever they may embrace and in what situation soever they are placed, essentially depend. The blessings and the very being of republican liberty, the diffusion of useful knowledge, the extirpation of prevailing errors, are obviously & indissolubly connected with the efforts of enlightened & energetic instructors. The friend of mankind and the lover of his country, will desire nothing more ardently, than that this profession, which so many causes have combined to degrade, should be restored to its proper rank in public estimation and practical utility.—But it were chimerical to indulge a hope of this sort, whilst the pecuniary compensation which the instructor receives for his services however important, for his exertions however laborious, is so miserable scanty, as to doom him to celibacy, insuperable indigence and sordid obscurity. Until instructors shall receive a pecuniary compensation proportioned to their talents, attainments and services, the education of youth must be abandoned to sciolists, pretenders and pedants. Men of enterprise, genius and learning, will necessarily prefer those occupations, where such accomplishments are most likely to obtain their proper estimation & reward. Altho' he will probably expose himself to the charge of egotism, J. Ogilvie cannot in justice to the subject and himself forbear to add, that since his arrival in Virginia, his abilities such as they are, have been exerted in the business of juvenile education with assiduity and enthusiasm. To this pursuit he has devoted the flower of his youth and the best energies of his mind No exertions to which his faculties were adequate, have been spared, to qualify himself to communicate useful knowledge and instil virtuous principles into the minds of youth. On every branch of literature and science comprehended in his course, he has endeavored to collect information from every accessible source. If on any subject he inculcates erroneous principles, he can truely say, it does not proceed from the want of sincere wishes and persevering efforts to discover and inculcate truth. Sedentary confinement, uninterrupted labor and nocturnal study have impaired his health, enfeebled his frame and extinguished he fears for ever the native cheerfulness and ardor of his mind.—Hitherto the pleasure of indulging an early and romantic prediction, and the consoling consciousness of having zealously endeavored to be useful, have been the principal reward of his exertions. Far from having had it in his power to accumulate the means of physical independence, he has scarcely been able to obtain a comfortable subsistence. These observations are not made in the spirit of repining or complaint, but for the purpose of obviating a misconstruction of the motive which has induced him to increase his charge for tuition. He is destined probably during the prime of his life to pursue the business of juvenile instruction, nor does he murmur at his destiny.—At the same time he cannot think himself justly exposed to the charge of unreasonable selfishness, when he indulges a wish, that the emoluments of the laborious and useful occupation he pursues should be sufficient to afford the means of comfortable subsistence and the prospect of permanent exemption, from the severest disasters in the black catalogue of human misfortunes, *debt* and *destitution.*

P. S. J. Ogilvie wishes to receive five or six of his pupils as boarders; his terms for boarding will be forty five pounds per annum, to be paid quarterly, and punctually, and the first quarter in advance.

Richmond, January 1, 1804.

LOST OR MISLAID.

THE following Certificate of navy stock of the U. States, standing on the books of John Hopkins, esq. Commissioner of Loans, has been lost or mislaid, viz:

No. 53, dated 30th October, 1799, Navy 8 per cent. Stock,—100 dollars.

Which certificate is signed by John Hopkins, commissioner of loans, state of Virginia. Notice is hereby given, that application will be made for a renewal of the above certificate agreeable to law. Any person who can give me information of the said certificate, shall be generously rewarded.

James Currie,

Richmond, Dec. 30, 1803.

TO BE SOLD,

At Powhatan Courthouse, on Wednesday the first of February next, about twenty

SLAVES,

Consisting of Men, Women and Children.

CASH will be expected for one half the purchase money; on the other half, a credit of 6 months will be allowed, on giving bonds with approved security, to bear interest from the date if not punctually paid.

William Randolph.

Wilton, Dec. 22, 1803.

The above sale is postponed until Wednesday the 15th Feb. next.

To be Rented,

THE HOUSE AND LOT

NEAR the Capitol in this city, at present occupied by the Auditor of public Accounts, whose term will expire the first of February. For terms apply to A. BLAIR.

Richmond, December 26th, 1803. tf

James River Company.

THE subscriber is authorised to receive proposals for furnishing Good White Oak Scantling and Plank for making Lockgates, for the James River Company.

Those disposed to undertake, will be informed of particulars on application to

Robert Pollard.

December 19th, 1803. caw3w

4439 Acres of valuable

L A N D,

IN the south of Kentucky, the greater part Military, will be sold for good bonds or exchanged for property in the state of Virginia. Enquire of the Printer hereof.

December 26th, 1803.

LOTS FOR SALE.

On Thursday the 12th of next month, about 3 o'clock in the afternoon, will be sold on the premises, (if not previously sold privately)

TWO LOTS,

ON Shockoe Hill, nearly opposite Gen. Morris ley's, and at present occupied by Marsden Duke. There is a small dwelling house and a good kitchen on one of them. The terms of sale will be, one third cash; another in three months, and the balance in three months, with a Deed of Trust on the property, to insure punctuality in the two last payments. A satisfactory title will be made to the purchaser.

Nath'l. & Ben. Sheppard.

December 28th, 1803.

In obedience to a decree of the county Court of Fairfax, on the 25th day of this month, at the Eagle Tavern, in the City of Richmond, will be sold to the highest bidder, on a credit of six, twelve, and eighteen months,

Two half acre Lots,

KNOWN in the plan of said City, as Nos. 342 and 708, mortgaged by Josiah Watson to Charles Higbee to secure the payment of a debt due from him to said Higbee—One of the these Lots adjoins that occupied by Lieut. Bingham, and fronting Mr. Jeffee Bowles's, the other near Mr. William Hay's Brewery. Bonds with approved security will be required.

CHARLES COPLAND,
GEO. JEFFERRON.
BENJAMIN MOSBY. } Commissioners.

January 4, 1804.

NOTICE.

PURSUNT to a decree of the High Court of Chancery, made the 16th day of May 1803, will be sold, at Public Auction, on the premises, for READY MONEY, on Saturday the 28th of this instant, (January) the

TRACT OF LAND,

in Goochland county, on Tuckahoe Creek, whereon George Perkins now lives, it being the tract of land that Major Power died possessed of. This sale is made to raise the sum of £81 15 6 1-2, with 5 per cent. interest upon 66l. 19s 6d. to be computed from the 28th day of December 1802, to satisfy Col. Robert H. Saunders—also, to satisfy Anderson Peers, the sum of 156l. 19. 1d. 1-4, with 5 per cent. interest on 123l. 10s. 5d. to be computed from the 28th day of December 1802.

JOHN CURD,
WM MILLER,
JAMES VAUGHAN, } Commrs.

January 2, 1804. (1ds.)

Notice is hereby given,

THAT an election for Fifteen Directors of the *Marine Insurance Company of Alexandria*, will be held at the courthouse in Alexandria on Monday the 16th day of January next.

By order,

J. B. NICKOLLS, Sec'ry.

Dec. 22.

Twenty Dollars Reward,

WILL be given for apprehending and delivering to the subscriber, living in Augusta county, or lodging him in any jail so that I can get him again, a Negro Man named TOM LATE, the property of James Lamme of this county. He is 5 feet 6 inches high and well made, about 33 years of age, several scars on his forehead, viz: one large scar across his forehead and another rather crossing it, one on his temple, a large beard; had on and took with him, one bottle green broad cloth coat and drab do. one swansdown waistcoat and blue do. half boots and fur hat, and a pair of fancy cord and grey breeches. He was raised in Hanover county by Peyton Ragland. It is probable that he has taken that rout. The above reward will be given by me.

James Kennerly, jun.

December 15th, 1803. 3w